

**COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

**2017 Legislative Session**

**BILL NO. 2017-03**

**Introduced by: Charles County Commissioners**

**WATERSHED CONSERVATION DISTRICT  
(ZONING TEXT AMENDMENT 16-142)**

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**Date introduced:** 05 / 09 / 2017

**Public Hearing:** 05 / 24 / 2017 @ 4:00 p.m. and 6:30 p.m.

**Commissioners Action:** 06 / 06 / 2017

**Commissioner Votes:** PFM: Y, KR: Y, DD: N, AS: Y, BR: N

**Pass/Fail:** Pass

**Effective Date:** 07 / 21 / 17

**Remarks:** \_\_\_\_\_

NOTE: CAPITALS indicate matter added to existing text.  
[Brackets] indicate matter deleted from existing law.

**COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

**2017 Legislative Session**

Bill No. 2017-03 \_\_\_\_\_  
Chapter. No. 297 \_\_\_\_\_  
Introduced by Charles County Board of County Commissioners \_\_\_\_\_  
Date of Introduction May 9, 2017 \_\_\_\_\_

**WATERSHED CONSERVATION DISTRICT**

AN ACT concerning:

**THE INCORPORATION OF THE WATERSHED CONSERVATION DISTRICT  
ZONING CATEGORY WITHIN THE ZONING ORDINANCE OF CHARLES COUNTY,  
MARYLAND**

FOR the purpose of

Amending the Zoning Ordinance, removing the Rural Conservation – Deferred, RC(D) Zoning District and replacing it with the Watershed Conservation District, (WCD) with amendments. To establish permissible uses, residential densities, base zone development regulations and conditional development criteria associated with the Watershed Conservation District (WCD) Zone.

BY Amending:

Chapter 297 – ZONING ORDINANCE

Article IV, Permissible Uses

Section 297-63. Figure IV-1, Table of Permitted Uses, Removing the RC(D) Rural Conservation Deferred column and replacing and amending the column with the WCD Watershed Conservation District throughout.

*Code of Charles County, Maryland (2016 Edition)*

BY Amending:

Article 297 – ZONING ORDINANCE

Article V, Residential Density

Section 297-75, Figure V-1, Maximum Residential Densities (Dwelling Units Per Acre) adding the Watershed Conservation District (WCD) row for density.

Figure V-2, Residential Density Ranges (Dwelling Units Per Acre) removing the RC(D) and adding Watershed Conservation District (WCD).

WCD, ZTA #16-142, Text Amendment. County Commissioners, 2017

*Code of Charles County, Maryland (2016 Edition)*

BY Amending:

Chapter 297 – ZONING ORDINANCE

Article VI, Rural Zones

Section 297-88, Removing 297-88A(3) and 297-88D;

Section 297-98, Adding a new Section titled WCD, Watershed Conservation District Zone §297-98A through §297-98I.

*Code of Charles County, Maryland (2016 Edition)*

BY Amending:

Chapter 297 – ZONING ORDINANCE

Article VI, Base Zone Regulations

Section 297-98, Adding this new section WCD, Watershed Conservation District, §297-98A through §297-98I; and adding Figure VI-10, Schedule of Zone Regulations: Watershed Conservation District Zone.

*Code of Charles County, Maryland (2016 Edition)*

BY Amending:

Chapter 297 – ZONING ORDINANCE

Article XIII, Minimum Standards for Special Exceptions and Uses Permitted with Conditions, Amending Sections 1.03.120 through 7.05.120 to designate WCD within the list of permitted with conditions or special exception uses for certain development uses.

*Code of Charles County, Maryland (2016 Edition)*

**WHEREAS**, the County Commissioners of Charles County (“the County Commissioners”) have recently adopted a new Comprehensive Plan for Charles County; and

**WHEREAS**, the new Comprehensive Plan includes a new policy objective to have zoning and land use consistent with each other and for the Zoning Ordinance to include a new Watershed Conservation District (WCD) as directed by the Comprehensive Plan, and;

**WHEREAS**, the County Commissioners have authorized the preparation of a new and updated Zoning Ordinance and associated mapping component for the regulation of land in the

unincorporated areas of Charles County;

**WHEREAS**, the County Commissioners are empowered by Title 4 the Land Use Article of the Annotated Code of Maryland to regulate land use in Charles County, and;

**WHEREAS**, the new Comprehensive Plan includes a policy objective to protect the Mattawoman Creek Watershed and the head of the Port Tobacco River for its long term value to the community, its ecological, aesthetic and scenic values, and for its recreational and economic value as a sustainable natural resource;

**WHEREAS**, the new Comprehensive Plan includes changes in land uses to the Bryans Road area to limit the expansion of residential and commercial development to a village size;

**WHEREAS**, the County Commissioners have directed staff within the Department of Planning and Growth Management to proceed with all speed in the preparation of amendments to the Zoning Ordinance and associated maps to include a new Watershed Conservation District (WCD);

**NOW THEREFORE, BE IT ORDAINED**, by the County Commissioners of Charles County, Maryland that this change in the Zoning Ordinance to omit the Rural Conservation Deferred RC(D) Zone and to replace it with a Watershed Conservation District (WCD) is hereby adopted and as noted and follows; and

**BE IT FURTHER ORDAINED**, that these amendments are being passed as a result of the new 2016 Comprehensive Plan, the reasons stated on the record during the meetings leading up to an including the County Commissioners adoption of the 2016 Comprehensive Plan and based on consideration of comments provided during open record of consideration of the Comprehensive Plan and the consideration of the instant text amendment; and

**BE IT FURTHER ORDAINED**, that if any clause, sentences, article, section, part of parts of the this Ordinance shall be held unconstitutional or invalid for any reason whatsoever, such unconstitutionality or invalidity shall not affect the validity of the remaining parts of the Ordinance or any section thereof of the County Commissioners of Charles County, Maryland;

**SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as follows:**

Chapter 297. ZONING ORDINANCE  
Article IV PERMISSIBLE USES  
Section 297-75, Figure V-I

**ARTICLE IV: PERMISSIBLE USES**

**§ 297-61. Use of designations P, PC and SE in Table of Permissible Uses.**

When used in connection with a particular use in the Table of Permissible Uses, the letter "P" means that the use is permissible in the indicated zone with a zoning permit. The letters "PC"

mean a use is permitted in the indicated zone, subject to the conditions outlined in Article XIII. The letters "SE" mean a special exception permit must be obtained from the Board of Appeals and that there are additional regulations applicable in Article XIII. A blank means the use is not permitted in the zone.

**§ 297-62. Permissible uses and specific exclusions.**

- A. The list of permissible uses set forth in the Table of Permissible Uses are all inclusive; those uses that are listed shall be interpreted by the Zoning Officer to include other uses that have similar impacts to the listed uses.
- B. The Table of Permissible Uses shall not be interpreted to allow a use in one zone when the use in question is more closely related to another specified use that is permissible in other zones.
- C. Uses such as incinerators, private prisons, private landfills and rubblefills, toxic and hazardous waste disposal facilities, private sludge storage facilities and other uses that have similar impacts that are not listed in the Table of Permissible Uses are not allowed. Although currently prohibited by Maryland law, in the event that the Maryland General Assembly legalizes the use of slot machines or other similar gaming devices at any future time, it is the specific and declared intent of the County Commissioners, that the use of slot machines or other similar gaming devices shall not be a permitted use anywhere within the jurisdictional boundaries of Charles County, Maryland. [Amended 5-5-1997 by Ord. No. 97-44]
- D. Whenever a proposed use could fall within more than one use classification in the Table of Permissible Uses, the Zoning Officer shall interpret the proposed use to be included in that classification which most closely and most specifically describes the proposed use.

**§ 297-63. Table of Permissible Uses.**

Figure IV-1, the Table of Permissible Uses, is included as an attachment to this chapter.

**FIGURE IV-1: TABLE OF PERMITTED USES**

**P** = Permitted; PC = Permitting with Conditions; SE = Special Exception; Blank = Not Permitting; \* = See Sec § 91(D) Commercial

**RCD) REMOVED & REPLACED WITH WCD & REVISED**

[illegible]

Use Description	AC	RC	WCD	RR	RV	RL	RM	RH	RO	TCN	CC	CB	CV	RP	U	TH	PRD	PLP	MX	PAH	TOD	CH	CMR	WC	AUC		
1.01.700 Use of heavy cultivating machinery, spray planes, or irrigating machinery	P	P	P	P		PC																					
1.02.000 Forestry	P	P	P	P	P	P	P	P	P	P	P	P	P	P				P									
1.03.000 Open-air markets and horticultural sales																											
1.03.100 Open-air markets																											
1.03.110 Farm and craft markets, flea markets																											
1.03.120 Open-air product markets	PC	PC	PC							P	P	P	P	P					P	P	P	P	P	P	P		
1.03.200 Horticultural sales with outdoor display	SE	SE	SE								P	P	P	P					P		P						
1.03.300 Livestock markets	SE	SE														PC											
1.04.000 Hunting and fishing cabins	PC		PC																								
1.05.000 Commercial green house operation																											
1.05.100 No on-premise sale	P	P	P	P						P	P		P	P	P	P											
1.05.200 On-premise sales permitted	P	SE	SE	SE						P	P		P	P	P	P											
1.05.300 Medical Cannabis Dispensary											PC	PC		PC	PC	PC		PC									
1.06.000 Kennel, commercial	PC	SE	SE			SE				PC	PC		PC											P	P		
1.07.000 Cat boarding facility	PC	PC	PC	PC		PC																					
2.00.000 MARINE																											
2.01.000 Marina, including boat sales and repair and boat rental including sailboards and jet skis													PC		PC				PC								
2.02.000 Seafood processing																											
2.02.100 Seafood processing and seafood operations with products raised or harvested off-site												PC		P		P			SE	PC							
2.02.200 Seafood processing and seafood operations with products raised on the premises	PC	PC	PC																								
2.03.000 Marine terminal													SE		P	P			P	SE							
2.04.000 Commercial fishing	P	P	P	P	P	P																					
3.00.000 RESIDENTIAL																											
3.01.00 Single-family detached																											
3.01.100 Single-family detached	P	P	P	P	P	P	P	P	P	P			P		PC			P		P	PC	PC	PC	PC	PC		
3.01.200 Lot line																					PC						
3.01.300 Patio/Court/Arrium																					PC				PC		





[illegible]



[illegible]

[illegible]

1997

[illegible]

[illegible]



WCD, ZTA #16-142, Text Amendment. County Commissioners, 2017

Uses Description	Zones																										
	AC	RC	WCD	RR	RV	RL	RM	RH	RO	CN	CC	CB	CV	BP	IG	IH	PRD	PEP	MX	PMH	TOD	CER	CRR	CMR	WC	ABC	
<b>7.05.000 Mineral extraction</b>																											
<b>7.05.100 Surface mining</b>																											
7.05.110 Of > 10 acres	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE						
7.05.120 Of < 10 acres	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE						
7.05.200 Wells for oil, natural gas, or petroleum	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE		SE	SE	SE	SE	SE	SE	SE						
7.06.000 Pozzolan Management Facility	SE	SE													SE	SE											
<b>7.07.000 Alternative Energy Systems</b>																											
7.07.100 Solar Energy System, Small	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
7.07.200 Solar Energy System, Large	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
7.07.300 Wind Energy System, Small	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
7.07.400 Wind Energy System, Large	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
<b>8.00.000 Mixed-Use</b>																											
8.01.000 Mixed-Use Building																	P				P	P	P		P	P	P
8.02.000 Mixed-Use Building, Residential																	P				P	P	P		P	P	P



\* \* \* \* \*

## Chapter 297. ZONING ORDINANCE

## Article V, Residential Density

## Section 297-75, Figure V-1, Maximum Residential Densities (Dwelling Units Per Acre)

Incorporated herein.

**Figure V-1: MAXIMUM RESIDENTIAL DENSITIES (DWELLING UNITS PER ACRE)**

Residential Zones	Type of Development	Base Density	With Affordable Housing	With Maximum TDRs	Maximum TDRs Affordable Housing Density Bonus
Agricultural Conservation (AC)	Conventional	0.33	0.40	--	--
	Cluster	0.33	0.40	--	--
Rural Conservation (RC)	Conventional	0.33	0.40	--	--
	Cluster	0.33	0.40	--	--
Rural Conservation Deferred RC(D) <sup>1</sup>	[Conventional]	[0.10]			
Rural Residential (RR)	Conventional	1.00	1.22	--	--
Rural Residential (RR)	Cluster	1.00	1.22	--	--
Village Residential (RV)	Conventional	1.80	2.20	--	--
Village Residential (RV)	Cluster	1.80	2.20	--	--
Low-Density Residential (RL)	W/ Central Water or Sewer	3.00	3.40		
	Application of a Planned Development - MX Zone	3.00	3.66	6.00	6.66
	Conventional	1.00	1.22	--	--
	Cluster	1.00	1.22	3.00	3.22
Low-Density Residential (RL)	Application of a Planned Development - PRD	1.75	1.97	4.59	4.81
	Conventional	3.00	3.66	--	--
Medium-Density Residential (RM)	Cluster	3.00	3.66	4.00	4.66
	Application of a Planned Development - PRD Zone	3.00	3.66	6.00	6.66
High-Density Residential (RH)	Application of a Planned Development - MX and PMH	3.00	3.66	8.00	8.66
	Application of a Planned Development - TOD Zone	4.00	4.66	10.00	10.66
	Conventional	5.00	6.10	--	--
	Cluster	5.00	6.10	6.00	7.10
	Application of a Planned Development - PRD Zone	5.00	6.10	12.00	13.10
Core Employment/Residential (CER)	Application of a Planned Development-MX Zone	5.00	6.10	19.00	20.10
	Application of a Planned Development -PMH Zone	5.00	6.10	10.00	11.10
	Application of a Planned Development - TOD Zone	15.00	16.10	27.50	28.60
	Conventional	2.00	-	15.00 <sup>(a) 2</sup>	15.00 <sup>(a) 2</sup>
Core Retail/Residential (CRR)	Conventional	2.00	-	15.00 <sup>(a) 2</sup>	15.00 <sup>(a) 2</sup>
Core Mixed Residential (CMR)	Conventional	2.00	-	10.00 <sup>(a) 2</sup>	10.00 <sup>(a) 2</sup>
Central Business (CB), Community Commercial (CC), Business Park (BP)	Application of a Planned Development - MX Zone	5.00	6.10	19.00	20.10
Central Business (CB), Community Commercial (CC), Business Park (BP)	Application of a Planned Development - TOD Zone	15.00	16.10	27.50	28.60
	Application of a Planned Development - MX Zone	3.00	3.66	6.00	6.66
Light Industrial (IG), Heavy Industrial (IH)	Application of a Planned Development - MX Zone	5.00	6.10	19.00	20.10
Light Industrial (IG), Heavy Industrial (IH)	Application of a Planned Development - TOD Zone	15.00	16.10	27.50	28.60
WATERSHED	CONVENTIONAL OR CLUSTER	0.05	N/A	N/A	N/A

[Amended 3-1-1999 by Ord. No. 99-16; 12-11-2000 by Ord. No. 00-93; 6-16-2003 by Bill No. 03-03; 1-25-2005 by Bill No. 05-04; 7-25-05 by Bill No. 05-01; 3-7-07 by Bill No. 2006-15; 4-23-2010 by Bill No. 2010-06]

**NOTES**

- 1) The County Commissioners may grant density bonuses as set forth in § 297-241. A minimum of 10% of units shall be affordable housing to qualify for density bonus.

Asterisks \*\*\* mean intervening code language remaining unchanged

NOTE: CAPITALS indicate language added to existing law.

[Brackets] indicate language deleted from existing law.

[2 Densities may be increased to 1DU per acre in the Neighborhood Conservation District established in the Comprehensive Plan as set forth in § 297-88.]

[3] 2. Density calculations in the CER, CMR and CRR Zones. To achieve a density over the base density in these zones, the applicant must purchase one Transferable Development Right for each of the third, fifth, seventh and ninth lots/dwelling units per acre. Density is established by dividing the number of lots/dwelling units by the number of acres devoted to residential development. The resulting density, usually a mixed number, is used to determine the number of development rights required. Any fractional portion of a number resulting from a density calculation will automatically be rounded up to the next whole number. For instance, if the resulting density calculation yields 2.01 units per acre, this will be considered to be 3 units per acre, and one Transferable Development Right must be purchased for each of the lots/dwelling units. In no case may densities in these zones exceed 15 units per acre in the Core Retail Residential (CRR) and Core Employment Residential (CER) Zones or 10 units per acre in the Core Mixed Residential (CMR) Zone.

\* \* \* \* \*

## Chapter 297. ZONING ORDINANCE

### Article V. Residential Density

	Density Range (Note A)	Density Range Achieved Through Application of PDR, MDC, or PMH (Note B)
Agricultural Conservation (AC)	0.33 to 0.40	N/A
Rural Conservation (RC) [and RC(D)]	0.10 to 0.40	N/A
Rural Residential (RR)	1.00 to 1.22	N/A
Village Residential (RV)	1.80 to 3.40	N/A
Low Density Residential (RL)	1.00 to 3.97	1.75 to 5.72
Medium Density Residential (RM)	3.00 to 6.56	4.00 to 10.86
High Density Residential (RH)	5.00 to 13.10	7.00 to 20.10
Residential Office (RO)	1.00 to 3.97	1.75 to 5.72
Core Employment/ Residential (CER)	2.00 (Note C)	N/A (Note D)
Core Retail/ Residential (CRR)	2.00 (Note C)	N/A (Note D)
Core Mixed Residential (CMR)	2.00 (Note C)	N/A (Note D)
WATERSHED CONSERVATION (WCD)	0.05 (Note E)	N/A

Section 297-75 Figure V-2, Residential Density Ranges (Dwelling Units Per Acre). Removing RC(D) and replacing and editing it with Watershed Conservation District (WCD)

**Figure V-2 Residential Density Ranges (Dwelling Units Per Acre)**  
[Amended 4-23-2010 by Bill No. 2010-05, by Bill No 2016-XX]

#### NOTES:

- (A) Maximum densities allowed varies depending on the bonus densities achieved through housing and TDR's.
- (B) Maximum densities allowed varies depending on the bonus densities achieved through housing and TDR's as well as the maximum allowed through performance identified in the Development Guidance System set forth in Article VIII.
- (C) Densities noted for the Core Mixed Use Zones are minimum densities.
- (D) Application of floating zones are not permitted.
- (E) DENSITY BONUSSES ARE NOT ALLOWED WITHIN THE WATERSHED CONSERVATION DISTRICT (WCD)

\* \* \* \* \*

Chapter 297. ZONING ORDINANCE  
Article VI, Base Zone Regulations

Section 297-88A(3) and 297-88D, Rural Zones, removing the Rural Conservation Deferred Development District.

§ 297-88. Rural zones

[Amended 4-15-2009 by Bill No. 2009-03, by Bill No. 2016-XX]

A. Objectives. The Rural Conservation (RC) and Rural Residential (RR) Zones are intended to maintain rural character in many county areas consistent with the Comprehensive Plan objectives.

(1) RC Rural Conservation Zone. This zone maintains low-density residential development, preserves the rural environment and natural features and established character of the area. It also maintains existing agricultural and aqua cultural activities and the land base necessary to support these activities.

(2) RR Rural Residential Zone. This zone provides for low to moderate residential densities in areas closer to portions of the development district and incorporated towns. These areas contain or are within the sphere of influences of community facilities and services, including schools, and are in proximity to major transportation network components.

**[RC(D) Rural Conservation Deferred Development District. This zone maintains low- density residential development, preserves the rural environment and natural features and established character of the area. It also maintains existing agricultural and aqua cultural activities and the land base necessary to support these activities. The density and lot area provisions of the RC(D) Zone and the Table of Permissible Uses shall apply to any property zoned RC(D), except as set forth in § 297-88D. All other provisions of the Zoning Ordinance regarding the RC Zone shall apply to any property zoned RC(D). The County Commissioners will reconsider all RC (D) zoning on a not less than five-year basis as part of, and concurrent with, the update of the Comprehensive Plan, or sooner if deemed appropriate by the County Commissioners. [Added 12-11-2000 by Ord. No. 00-93; amended 6-16-2003 by Ord. No. 03-03]]**

B. General regulations. Minimum lot area, area per dwelling unit, building setback from adjacent lot lines, lot width, front yard, side yard, rear yard and maximum building height, as displayed in Figure VI-2, shall apply subject to other requirements of this chapter.

C. Specific regulations regarding the right to farm. The following provisions for the protection of agricultural uses will apply:

(1) Any agricultural use of land is permitted.

- (2) Operation, at any time, of machinery used in farm production or the primary processing of agricultural products is permitted.
- (3) Normal agricultural activities and operations in accordance with good husbandry practices, which do not cause bodily injury or directly endanger human health, are permitted and preferred activities, including activities which may produce normal agriculturally related noise and odors.
- (4) The sale of farm products produced on the farm where the sales are made is permitted.
- (5) The Planning Commission may, upon findings of fact, require the establishment of buffer zones where necessary to protect abutting agricultural or rural countryside conservation zone areas from the impact of the subdivisions hereafter approved.  
  
**[Specific regulations affecting neighborhood conservation areas in the RC(D) Zone. Lots located in the neighborhood conservation areas identified in the Charles County Comprehensive Plan which are in the Rural Conservation Deferred Development District Zone, RC(D), may subdivide at a density of one dwelling unit per acre subject to the following conditions: [Added 6-16-2003 by Ord. No. 03-03] This ordinance also redesigned former Subsection D as Subsection E.**
- (6) **RL standards for height, bulk and density found in § 297-90 shall apply, and the area of the additional lots created shall not be less than the average lot area in the identified neighborhood conservation area.**
- (7) **Parcels to be subdivided shall be 10 acres or less in area.**
- (8) **The subdivision of land shall meet the requirements of a minor subdivision set forth in the Charles County Subdivision Regulations and shall not in any case exceed the creation of three lots, including the parent parcel.**
- (9) **Properties to be subdivided shall be located wholly within the neighborhood conservation districts as shown on the land use concept map adopted as part of the Charles County Comprehensive Plan, 1997. Any interpretations of the neighborhood conservation district boundaries shall be made by the Director of Planning.]**

**[E.] D. Permitted uses.** The permitted uses within the rural zones shall be in conformance with the uses permitted in the Table of Permissible Uses.

\* \* \* \* \*

Chapter 297. ZONING ORDINANCE  
Article VI, Base Zone Regulations

Section 297-98, (WCD) Watershed Conservation District, Adding Sections 297-98A--297-98D as shown herein.

§ 297-98 WCD WATERSHED CONSERVATION DISTRICT

A. OBJECTIVES

1. TO IMPLEMENT THE DIRECTION AND INTENT OF THE COMPREHENSIVE PLAN WITH REGARDS TO PROTECTION OF THE MATTAWOMAN CREEK STREAM VALLEY AND THE HEADWATERS OF THE PORT TOBACCO RIVER AND TO PROTECT THE WATERSHED AREAS NATURAL RESOURCES FOR ITS LONG TERM VALUE TO THE COMMUNITY, THE ECOLOGICAL, AESTHETIC AND SCENIC VALUES AND ITS RECREATION AND ECONOMIC VALUE AS A SUSTAINABLE RESOURCE.
2. TO FURTHER PROTECT THE RESOURCE PROTECTION ZONE AND LIMIT FOREST FRAGMENTATION.
3. TO ALLOW FOR THE TRANSFER OF DEVELOPMENT RIGHTS IN APPROPRIATE LOCATIONS.
4. TO LIMIT SPRAWL DEVELOPMENT AND PROTECT WATER RESOURCES AND TIER II STREAMS AND WILDLIFE HABITAT AND IMPLEMENT THE TOTAL MAXIMUM DAILY LOAD (POLLUTANT RESTRICTIONS).
5. TO GUIDE DEVELOPMENT AWAY FROM VULNERABLE NATURAL HAZARDS INCLUDING FLOODING, STORM SURGE, AND SHORE EROSION.

B. GENERAL REGULATIONS

RESIDENTIAL DEVELOPMENT IS LIMITED TO A GROSS DENSITY OF ONE UNIT PER TWENTY (20) ACRES. MINIMUM LOT AREA, AREA PER DWELLING UNIT, BUILDING SETBACK FROM ADJACENT LOT LINES, LOT WIDTH, FRONT YARD, SIDE YARD, REAR YARD, AND MAXIMUM BUILDING HEIGHT ARE DISPLAYED ON FIGURE VI-10 SHALL APPLY AND ARE SUBJECT TO OTHER REQUIREMENTS OF THIS CHAPTER. LEGAL LOTS OF RECORD LESS THAN ONE UNIT PER TWENTY (20) ACRES ARE PERMITTED TO OBTAIN ONE SINGLE FAMILY DWELLING UNIT BUILDING PERMIT (AND ACCESSORY USE PERMITS) PER LEGAL LOT OF RECORD.

C. SPECIAL REGULATIONS-SITE DESIGN

1. IMPERVIOUS SURFACE RESTRICTIONS: IN ORDER TO PROTECT THE

Asterisks \*\*\* mean intervening code language remaining unchanged  
NOTE: CAPITALS indicate language added to existing law.  
[Brackets] indicate language deleted from existing law.

1 NATURAL RESOURCES IN THIS AREA, IMPERVIOUS SURFACE COVERAGE  
2 SUCH AS BUILDINGS, PAVEMENT OR OTHER MAN MADE MATERIALS IS  
3 LIMITED TO 8% OF THE PROPERTY. LEGAL LOTS OF RECORD OF 3 ACRES  
4 IN SIZE OR SMALLER MAY HAVE AN IMPERVIOUS SURFACE COVERAGE  
5 UP TO BUT NOT TO EXCEED 10,500 SQUARE FEET. DEVELOPMENT AREAS  
6 SHALL BE DESIGNATED ON ANY SITE DEVELOPMENT PLAN,  
7 DEVELOPMENT SERVICES PERMIT PLANS, CLEARING OR GRADING  
8 PERMIT OR BUILDING PERMIT. THE APPLICANT SHALL DEMONSTRATE  
9 HOW MUCH IMPERVIOUS SURFACE IS LOCATED ON THE SUBJECT  
10 PROPERTY. CALCULATIONS SHALL BE PROVIDED TO DETERMINE THAT  
11 IMPERVIOUS SURFACE IS NO GREATER THAN 8% OF THE SUBJECT  
12 PROPERTY.

13  
14 2. EXEMPTIONS FROM IMPERVIOUS SURFACE RESTRICTIONS:

- 15  
16 a. MINOR COMBINED OR CUMULATIVE ADDITIONS UP TO 25% OF THE  
17 MAIN STURCTURE, OR ACCESSORY USES OF EXISTING LEGALLY  
18 PERMITTED USES AND LEGAL LOTS OF RECORD. PROPERTY UNDER 3  
19 ACRES CAN BUILD UP TO A MAXIMUM OF 10,500 SQUARE FEET EVEN  
20 IF IT EXCEEDS 25% AS NOTED ABOVE;  
21  
22 b. DEVELOPMENT THAT UTILIZES BEST MANAGEMENT PRACTICES  
23 (BMP), MITIGATES IMPERVIOUS SURFACE COVERAGE AND ALSO HAS  
24 AN INSPECTION AND MAINTENANCE AGREEMENT MAY EXCEED THE  
25 8% IMPERVIOUS SURFACE RESTRICTION BY AN EQUIVALENT AREA  
26 THAT IS TREATED BY THE BMP.  
27  
28 c. DEVELOPMENT WITHIN THE WATERSHED CONSERVATION ZONING  
29 DISTRICT WHICH IS NOT SERVICED BY PUBLIC WATER AND SEWER IS  
30 REQUIRED TO UTILIZE THE BEST AVAILABLE TECHNOLOGY (BAT)  
31 SEPTIC SYSTEM TO FURTHER REDUCING NITROGEN ENTERING THE  
32 GROUNDWATER AND STREAMS;  
33  
34 d. CHURCHES AND SCHOOLS ARE EXEMPT FROM IMPERVIOUS SURFACE  
35 COVERAGE;

36  
37 3. STREAM AND RESOURCE PROTECTION ZONE BUFFERS:

- 38  
39 a. THE COUNTY'S CRITICAL AREA ZONE (OVERLAY ZONE) ARTICLE IX  
40 OF THE ZONING ORDINANCE OR THE RESOURCE PROTECTION ZONE  
41 (OVERLAY ZONE) ARTICLE XI OF THE ZONING ORDINANCE,  
42 WHICHEVER IS APPLICABLE, SHALL GOVERN BUFFER  
43 REQUIREMENTS FOR THE WATERSHED CONSERVATION DISTRICT  
44 (WCD) ZONING DISTRICT.  
45  
46 b. STREAMS SHALL BE DESIGNATED ON ANY APPLICATION FOR SITE  
47 DEVELOPMENT PLAN, DEVELOPMENT SERVICES PERMIT, LAND  
48 CLEARING, GRADING OR BUILDING PERMITS APPLICATIONS,

CONCEPTUAL SUBDIVISION PLANS AND SHALL CLEARLY ILLUSTRATE BUFFER AREAS OF NO DISTURBANCE IN COMPLIANCE WITH THE ZONING ORDINANCE.

D. ZONING MAP BOUNDARY AND CRITERIA: THE WATERSHED CONSERVATION DISTRICT (WCD) ZONING MAP IS BASED ON THE WATERSHED CONSERVATION DISTRICT LAND USE MAP. THE LAND USE MAP IS A GENERALIZED CONCEPTUAL MAP AND THE ZONING MAP IS MORE SITE SPECIFIC. FOR SMALL DEVELOPED PARCELS ON THE EDGE OF THE DISTRICT, THE PROPERTY LINE WAS USED AS THE WCD BOUNDARY. SOME OTHER PARCELS HAVE SPLIT OR MULTIPLE ZONES. FOR THOSE PROPERTIES WHERE THE BOUNDARY WAS SET AS THE STREAM VALLEY'S TOP OF SLOPE, BOUNDARY MODIFICATIONS RELATED TO THE EXACT LOCATION OF THE TOP OF SLOPE CAN BE CONSIDERED BY THE PLANNING AND GROWTH MANAGEMENT STAFF UPON APPROVAL BY THE ZONING OFFICER BASED ON SITE VERIFIED CONDITIONS AND DATA;

1. PROPERTIES WITH MULTIPLE ZONING DISTRICTS: WHEN PROPERTIES CONTAIN MORE THAN ONE ZONING DISTRICT AND A PROPOSED PROJECT FALLS WITHIN THE WCD ZONING DISTRICT THE FOLLOWING RULES WILL APPLY.

a. THE WCD SHALL BE CONSISTENT WITH §297-22 OF THE ZONING ORDINANCE AND SUBJECT TO ALL THE REGULATIONS APPLICABLE TO THE ZONE IN WHICH IT IS LOCATED IN ACCORDANCE WITH THOSE PROVISIONS;

b. THE DENSITY CALCULATION OF THE WCD AREA IS TO BE BASED ON ONE UNIT PER 20 ACRES;

c. THE AREA WITH WCD ZONING CAN ONLY INCLUDE PERMITTED USES ALLOWED BY THE TABLE OF PERMITTED USES FOR THAT ZONE;

d. WCD AREAS CAN INCLUDE OPEN SPACE, FOREST CONSERVATION, PUBLIC USES, STORMWATER MANAGEMENT AND ACCESS TO SUPPORT THE ENTIRE PROJECT PROVIDED IT MEETS THE IMPERVIOUS SURFACE AND OTHER DEVELOPMENT REQUIREMENTS FOR THE WCD AREA;

e. WCD AREAS CAN BE USED FOR RESIDUE AND RESERVED AS OPEN SPACE FOR FUTURE DEVELOPMENT PROVIDED THE FUTURE DEVELOPMENT COMPLIES WITH THE WCD REGULATIONS.

2. EXCEPT AS SPECIFIED BELOW IN THIS PARAGRAPH, COMMERCIAL AND BUSINESS PARK ZONING AREAS SHALL NOT BE INCLUDED IN THE WCD BOUNDARY AREA AND SHALL BE ALLOWED TO RETAIN THEIR COMMERCIAL RELATED ZONING:

a. THE COUNTY OWNED INDIAN HEAD SCIENCE AND TECHNOLOGY SITE

Asterisks \*\*\* mean intervening code language remaining unchanged

NOTE: CAPITALS indicate language added to existing law.

[Brackets] indicate language deleted from existing law.

SHALL REMAIN IN THE WCD BOUNDARY AREA;

- b. THE COMMERCIAL AND MIXED USE COMMERCIAL AREAS IN THE BRYANS ROAD AREA SHALL REMAIN IN THE WCD BOUNDARY IN ORDER TO PLAN ITS FUTURE AS A VILLAGE AND NOT A GROWTH AREA
- c. THE COMMERCIAL AND INDUSTRIAL LANDS AROUND THE AIRPORT SHALL REMAIN IN THE WCD BOUNDARY.

E. TRANSITIONAL AND GRANDFATHERING PROVISIONS: THESE PROVISIONS WILL TAKE PLACE AT THE EFFECTIVE DATE OF THIS ORDINANCE AND AS FOLLOWS.

1. EXISTING DEVELOPMENTS: EXISTING DEVELOPMENTS THAT ARE NO LONGER CONSIDERED TO BE PERMITTED USES WITHIN THE WCD ZONING DISTRICT AS OF ADOPTION OF THIS WCD ORDINANCE ARE CONSIDERED LEGALLY NON-CONFORMING USES AND MAY CONTINUE TO EXIST PER THE REQUIREMENTS OF ARTICLE XXVIII. NON CONFORMING USES OF THIS ZONING ORDINANCE.
2. PENDING DEVELOPMENT APPLICATIONS: PENDING DEVELOPMENT APPLICATIONS THAT ARE LOCATED WITHIN THE WCD AREA AND HAVE NOT BEEN APPROVED BUT ARE UNDER REVIEW AT THE TIME OF ADOPTION OF THE ORDINANCE MAY CONTINUE FOR REVIEW AND APPROVAL UNDER THE PREVIOUS REGULATIONS IN PLACE PROVIDED THEY HAVE ONE OF THE FOLLOWING:
  - a. AN EXECUTED AND VALID DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT (DRRA) OR SIMILAR DEVELOPMENT CONTRACT;
  - b. AN APPROVED SITE DEVELOPMENT PLAN;
  - c. A DEVELOPMENT SERVICES PERMIT UNDER REVIEW, NOT ISSUED, BUT WITH A POSTED BOND AND ASSOCIATED DEVELOPERS AGREEMENT;
  - d. PRELIMINARY PLANS THAT ARE IN COMPLIANCE WITH SECTION 25 OF THE CHARLES COUNTY SUBDIVISION ORDINANCE (COMMENCEMENT OF CONSTRUCTION – RECORDED 25% OF LOTS AND ASSOCIATED INFRASTRUCTURE HAS BEEN BUILT);
  - e. THE REQUEST IS FOR A RESIDENTIAL BUILDING PERMIT APPLICATION OR OTHER APPLICATION RELATING TO AN EXISTING LEGAL LOT OF RECORD;
3. PREVIOUSLY APPROVED DEVELOPMENT APPLICATIONS NOT COMPLETED: APPLICATIONS THAT ARE LOCATED WITHIN THE WCD ZONE WITH PREVIOUS APPROVALS AT THE TIME OF ADOPTION OF THE ORDINANCE MAY CONTINUE FOR REVIEW AND DEVELOPMENT UNDER THE PREVIOUS REGULATIONS IN PLACE PROVIDED THEY HAVE ONE OF

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THE FOLLOWING:

- a. AN EXECUTED AND VALID DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT (DRRA) OR SIMILAR DEVELOPMENT CONTRACT;
  - b. AN APPROVED SITE DEVELOPMENT PLAN;
  - c. AN APPROVED DEVELOPMENT SERVICES PERMIT;
  - d. PRELIMINARY PLANS THAT ARE IN COMPLIANCE WITH SECTION 25 OF THE CHARLES COUNTY SUBDIVISION ORDINANCE (COMMENCEMENT OF CONSTRUCTION – RECORDED 25% OF LOTS AND ASSOCIATED INFRASTRUCTURE HAS BEEN BUILT);
  - e. THE REQUEST IS FOR A RESIDENTIAL BUILDING PERMIT APPLICATION OR OTHER APPLICATION RELATING TO AN EXISTING LEGAL LOT OF RECORD;
4. NEW DEVELOPMENT:
- NEW DEVELOPMENT APPLICATIONS THAT ARE LOCATED WITHIN THE WCD ZONE AND ARE SUBMITTED AFTER THE TIME OF ADOPTION OF THE ORDINANCE MUST COMPLY WITH ALL DEVELOPMENT REGULATIONS AND USES AS OUTLINED IN THIS ORDINANCE.
5. CONTRACT OR OTHER PROPERTY RIGHTS: ANY PROPERTY OWNER WHO ASSERTS THEY HAVE CONTRACTUAL OR PROPERTY ZONING RIGHTS AND THUS SHOULD BE EXEMPT FROM THE WATERSHED CONSERVATION DISTRICT ZONING REGULATIONS MAY APPLY TO THE ZONING OFFICER FOR A LETTER OF DETERMINATION OF EXEMPTION.
- F. PERMITTED USES: THE PERMITTED USES WITHIN THE WATERSHED CONSERVATION DISTRICT SHALL BE IN CONFORMANCE WITH THE USES PERMITTED IN THE TABLE OF PERMITTED USES (SEE FIGURE IV-1).
- G. DEVELOPMENT CONSISTENCY: DEVELOPMENT WITHIN THE WATERSHED CONSERVATION DISTRICT SHALL BE CONSISTENT WITH FIGURE VI-10, SCHEDULE OF ZONE REGULATIONS, AND ARTICLE XIII, MINIMUM STANDARDS FOR SPECIAL EXCEPTIONS AND USES PERMITTED WITH CONDITIONS.
- H. TRANSFER OF DEVELOPMENT RIGHTS (TDRS) AND PURCHASE OF DEVELOPMENT RIGHTS (PDRS): THE WATERSHED CONSERVATION DISTRICT SHALL SERVE AS A TDR 'SENDING AREA' PER ARTICLE XVII: TRANSFERABLE DEVELOPMENT RIGHTS (TDRs) IN DESIGNATED AGRICULTURAL LAND PRESERVATION DISTRICTS.

1 I. INTRAFAMILY TRANSFERS OF PROPERTY WITHIN THE WATERSHED  
2 CONSERVATION DISTRICT (WCD) IS TO RECOGNIZE THE FAMILY LEGACY  
3 ASSOCIATED WITH THE LAND AND TO ALLOW FOR THE LIMITED TRANSFER  
4 OF LAND FROM THE PROPERTY OWNER TO AN IMMEDIATE FAMILY MEMBER  
5 AS SALE OR GIFT FOR THEIR USE IN THIS ZONING DISTRICT THAT  
6 OTHERWISE WOULD NOT BE PERMITTED DUE TO DENSITY RESTRICTIONS.  
7

8 1. IMMEDIATE FAMILY IS DEFINED AS MOTHER, FATHER, SON,  
9 DAUGHTER, GRANDFATHER, GRANDMOTHER, GRANDSON,  
10 GRANDDAUGHTER, STEP-PARENTS, STEP-CHILDREN, AND LEGAL  
11 WARDS AND GUARDIANS.  
12

13 2. TOTAL NUMBER OF PARCELS OR LOTS: INTRAFAMILY TRANSFERS  
14 WILL BE PERMITTED ON PARCELS OF LAND IN THE WATERSHED  
15 CONSERVATION DISTRICT (WCD) ZONING DISTRICT WHERE A  
16 PORTION OF SUCH PARCEL IN THE WCD IS AT LEAST 10 ACRES AND  
17 NOT MORE THAN 60 ACRES IN SIZE.  
18

19 3. A NOTATION SHALL BE PLACED ON THE FINAL SUBDIVISION PLAT  
20 DENOTING THE LOT(S) AND RESIDUE THAT ARE CREATED UNDER  
21 THESE PROVISIONS OF THE CODE.  
22

23 4. SUBDIVISION OF LAND WITHIN THE WCD UNDER THE BONA FIDE  
24 INTRAFAMILY TRANSFER PROVISIONS CONTAINED HEREIN SHALL BE  
25 SUBJECT TO THE FOLLOWING LIMITATIONS:  
26

27 a) PARCELS OF 10 ACRES TO 60 ACRES CANNOT BE SUBDIVIDED INTO  
28 MORE THAN THREE LOTS (2 INTRAFAMILY LOTS AND 1 EXISTING OR  
29 PRIMARY LOT);  
30

31 b) MINIMUM PARCEL SIZE FOR INTRAFAMILY LOTS IS 1 ACRE;  
32

33 c) IN ORDER TO QUALIFY FOR AN INTRAFAMILY TRANSFER, THE  
34 EXISTING PROPERTY OWNER MUST HAVE OWNED THE LAND AT THE  
35 TIME OF ADOPTION OF THIS ORDINANCE, AND FOR A PERIOD OF AT  
36 LEAST TEN YEARS;  
37

38  
39 d) LOTS CREATED PURSUANT TO THESE PROVISIONS SHALL NOT BE  
40 CREATED FOR THE PURPOSE OF ULTIMATE COMMERCIAL SALE. A  
41 LOT CREATED PURSUANT TO THESE PROVISIONS MAY NOT BE  
42 SUBSEQUENTLY CONVEYED TO ANY PERSON EXCEPT AS PROVIDED  
43 HEREIN:  
44

45 i. WHERE THE CONVEYANCE IS TO A MEMBER OF THE OWNER'S  
46 IMMEDIATE FAMILY; OR  
47

48 ii. WHERE THE CONVEYANCE OF THE LOT IS PART OF A DEFAULT

ON A MORTGAGE OR DEED OF TRUST;

5. ANY LOT CREATED UNDER THIS SUBSECTION MAY NOT BE TRANSFERRED OR SOLD TO A THIRD PARTY WHO IS NOT A MEMBER OF THE OWNER'S IMMEDIATE FAMILY OR HOLDER OF A MORTGAGE OR DEED OF TRUST ON THE PROPERTY UNLESS AND UNTIL THE PLANNING COMMISSION HAS DETERMINED THE FOLLOWING CONDITIONS APPLY:
  - a) A CHANGE IN CIRCUMSTANCES HAS OCCURRED SINCE THE ORIGINAL TRANSFER, WHICH WOULD WARRANT PERMITTING A SUBSEQUENT TRANSFER, WHEN SUCH CIRCUMSTANCES ARE CONSISTENT WITH THE WARRANTS AND EXCEPTIONS CONTAINED HEREIN;
  - b) A CHANGE IN CURCUMSTANCES MAY INCLUDE SITUATIONS WHERE THE INTRAFAMILY TRANSFER RECIPIENT HAS NOT RESIDED IN THE COUNTY FOR THE PAST FIVE CONSECUTIVE YEARS AND SIGNS AND AFFIDAVIT VERIFYING THEIR INTENT NOT TO RESIDE IN CHARLES COUNTY OR DMEONSTRATES SIGNIFICANT FINANCIAL HARDSHIP; OR
  - c) OTHER CIRCUMSTANCES NECESSARY TO MAINTAIN LAND AREA TO SUPPORT PROTECTIVE USES OF AGRICULTURE, FORESTRY, OPEN SPACE AND NATURAL HABITATS IN THE WATERSHED CONSERVATION DISTRICT WARRANT AND EXCEPTION.
6. DEEDS OF TRANSFER SHALL INCLUDE A COVENANT STATING THAT THE LOT IS SUBJECT TO THE PROVISIONS OF THIS SUBSECTION AND BE APPROVED FOR LEGAL SUFFICIENCY BY THE COUNTY ATTORNEY'S OFFICE PRIOR TO RECORDATION OF THE INTRAFAMILY LOT(S). THESE COVENANTS SHALL RESTRICT THE SUBSEQUENT TRANSFER OR SALE OF THE LOT OR LOTS CREATED PURSUANT TO THE INTRAFAMILY TRANSFER PROVISIONS CONTAINED HEREIN TO A THIRD PARTY WHO IS NOT A MEMBER OF THE OWNER'S IMMEDIATE FAMILY OR A HOLDER OF A MORTGAGE OR DEED OF TRUST ON THE PROPERTY EXCEPT AS OTHERWISE PROVIDED HEREIN.
7. ONCE THE INTRAFAMILY TRANSFER HAS OCCURRED, ADDITIONAL TRANSFERS FOR SUBSEQUENT GENERATIONS OF THE ORIGINAL OWNER CANNOT QUALIFY FOR FURTHER INTRAFAMILY TRANSFERS.
8. ALL OTHER SUBDIVISIONS REGULATIONS SHALL APPLY TO INTRAFAMILY TRANSFERS EXCEPT FOR THE DENSITY PROVISIONS OF THE ZONING ORDINANCE AS LLOWED AND STATED HEREIN;

\* \* \* \* \*

Chapter 297. ZONING ORDINANCE  
Article VI, Base Zone Regulations

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3  
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Section 297-98, (WCD) Watershed Conservation District, Adding a new Figure VI-10 as shown herein.

Figure VI-10 Schedule of Zone Regulations: Watershed Conservation District Zone

Uses	Minimum Lot Criteria				Minimum Yard Requirements (feet)				Maximum Height		Lot Coverage	Intensity	Minimum Open Space	Maximum ISR	Minimum Tract Size	
	Square Feet per Acre	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Height							
									Feet	Stories						
WCD Zone																
Agricultural 1.00.000, Livestock 1.01.400, Forestry 1.02.000	10 acres	150	200	120	75	40	115	50			10%			8%		
Residential 3.00.000, Group Homes 3.04.100	20 acres	200	200	200	50	50	100	50	40		10%			8%		
Commercial stables 1.01.500	5 acres	350	350	300	100	100	200	100	40		10%			8%		
Campgrounds 4.02.240	10 acres	350	350	350	100	100	200	100			10%			8%		
Emergency Services 4.045.000	1 acre	-	-	-	-	-	-	-	-		10%			n/a		
Residential lots less than 20 acres created before 12- 31-1974	20,000 sq ft	50	50	50	30	8	46	20	40		10%			n/a		
Greenhouses & Kennels 1.05.000,	10 acres	150	200	120	75	40	115	50			10%			8%		
All other permitted uses	20 acres	200	200	200	50	50	100	50			10%			8%		

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 [Brackets] indicate language deleted from existing law.

\* \* \* \* \*

## Chapter 297. ZONING ORDINANCE

Article XIII, Minimum Standards for Special Exceptions and Uses Permitted with Conditions  
Amending Sections, 1.03.120, 3.01.600, 3.04.110, 3.04.220, 3.04.300, 3.04.420, 3.05.100, 3.05.200, 3.05.400,  
3.06.000, 3.07.000, 4.01.110, 4.01.130, 4.01.310, 4.01.320, 4.01.400, 4.02.240, 4.02.280, 4.02.290, 4.05.110,  
4.06.200, 4.07.100, 4.07.200, 4.08.110, 4.08.120, 4.08.200, 5.02.300, 5.02.400, 5.02.500, 6.01.113, 7.01.250,  
7.02.410, 7.02.420, 7.04.100, 7.05.110, 7.05.120 to include the WCD Zoning District.

\* \* \* \* \*

### **1.03.120 Open-air produce markets.**

This use is permitted with conditions in the **WCD**, AC, RC, RR zones provided that the following requirements are met:

- A. A permanent structure is permitted for the display and sale of locally produced agricultural and fishery products, provided that:
- (1) The building shall be no larger than 1,500 square feet in area.
  - (2) The building shall maintain the front yard setback for the zone in which it is located or the prevailing front yard setback, whichever is less.
  - (3) Exits and entrances shall be provided which shall be at least 50 feet from any intersection on a local road and 100 feet from all other road intersections.
  - (4) There shall be a minimum of three off-street parking spaces and one space per 300 square feet of building area over 900 square feet.
  - (5) At a minimum, one self-contained privy shall be maintained on the site while the operation is in use.

\* \* \* \* \*

### **3.01.600 Single-family detached residential: tenant house.**

A tenant house is permitted with conditions in the **WCD**, AC, RC, RR, RL zones provided that:

- A. Each dwelling has a separate water supply and sewerage disposal system.
- B. Dwellings are occupied by agricultural workers actively engaged in farming on a full-time or part-time basis on the farm on which the tenant house is located.
- C. No more than one house per 50 acres may be located on a farm. A maximum of three tenant houses may be located on a farm under ownership by a single entity.

1  
2 \* \* \* \* \*  
3  
4 **3.04.110 Group homes with not more than eight people. [Amended 10-25-1999 by Ord.**  
5 **No. 99-92; 7-25-2005 by Bill No. 05-01; 4-23-2010 by Bill No. 2010-02]**

6  
7 This use is permitted with conditions in the **WCD**, AC, RC, RR, RV, RL, RM, RH, RO,  
8 PRD, MX, PMH, TOD, CER, CMR, CRR, WC and AUC Zones, subject to the submittal to  
9 the Zoning Officer of an affidavit certifying compliance with all applicable state and federal  
10 laws, ordinances and regulations.

11  
12 **3.04.120 Group homes with between nine and 16 people. [Amended 10-25-1999 by Ord.**  
13 **No. 99-92; 7-25-2005 by Bill No. 2005-01; 4-23-2010 by Bill No. 2010-02]**

14  
15 A group home for nine to 16 individuals is permitted by special exception in the **WCD**, AC,  
16 RC, RR, RV, RL, RM, RH, PRD, MX, PMH, TOD, CER, CMR, CRR, WC and AUC Zones,  
17 subject to the following standards:

- 18  
19 A. The facility is in accordance with all applicable county, state and federal rules and  
20 regulations.  
21  
22 B. An applicant must submit an affidavit of compliance, on the form provided by the  
23 Zoning Officer, to the effect that all of the requirements of the state's licensing  
24 procedure will be satisfied.  
25  
26 C. That such use will not, when considered in combination with other existing group  
27 homes in the neighborhood, result in an excessive concentration of similar uses in the  
28 same general neighborhood.  
29  
30 D. That any site to be used as a group residential facility for children provide ample  
31 outdoor play space, free from hazards and appropriately equipped for the age and  
32 number of children.

33 \* \* \* \* \*  
34  
35  
36 **3.04.220 Day-care center, day nursery, between nine and 30 care recipients. [Amended**  
37 **7-25-2005 by Ord. No. 05-01; 8-29-2005 by Ord. No. 05-13]**

38  
39 A day-care center for nine to 30 individuals is permitted by special exception in the  
40 **WCD**, AC, RC, RR, RV, RL, RM, RH, IG, PMH and CMR Zones, subject to the  
41 following:

- 42  
43 A. The facility will be in accordance with all applicable county, state and federal rules and  
44 regulations.  
45  
46 B. An applicant must submit an affidavit of compliance, on the form provided by the Zoning

Officer, to the effect that all of the requirements of the state's licensing procedure will be satisfied.

C. The building and play area facilities shall be at least 50 feet from any adjacent residential lot or use.

D. The proposed site will have road access adequate for the traffic expected to be generated by the proposed development.

E. Any such use will not have a detrimental impact in terms of traffic, noise, etc., on the surrounding properties.

F. The hours of operation will be established by the Board of Appeals.

G. New facilities constructed for this purpose shall be architecturally compatible with the surrounding area.

**3.04.300 Halfway house. [Amended 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Bill No. 2005-01; 4-23-2010 by Bill No. 2010-02]**

This use is permitted by special exception in the **WCD**, AC, RC, RR, RV, RM, RL, RH, PRD, MX, PMH, TOD, CMR, WC and AUC Zones, subject to the following:

A. The facility shall be in accordance with all applicable county, state and federal rules and regulations.

B. That such use will not, when considered in combination with other existing group homes in the neighborhood, result in an excessive concentration of similar uses in the same general neighborhood.

C. That any property to be used for a halfway house is of sufficient size to accommodate the proposed number of residents and staff; however, no more than nine unrelated individuals may reside in one dwelling.

D. The exterior appearance of the structure will remain as a single-family detached residential structure, and no external entrance that faces a road or street will be added. A maximum of three external entrances will be allowed for the facility.

E. The proposed project shall comply with parking requirements as specified under Article XX of this chapter.

\* \* \* \* \*

**3.04.420 Elderly care homes for nine to 16 people. [Amended 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Ord. No. 05-01; 4-23-2010 by Bill No. 2010-02]**



A residential elderly care home for nine to 16 residents is permitted by special exception in the **WCD**, AC, RC, RR, RV, RL, RM, RH, RO, PRD, MX, PMH, TOD, CER, CMR, CRR, WC, and AUC Zones, subject to the following:

- A. Any such facility shall be certified, permitted or licensed by the State of Maryland.
- B. An applicant must submit an affidavit of compliance, on the form provided by the Zoning Officer, to the effect that all of the requirements of the state's licensing procedure will be satisfied.
- C. Such a facility shall be owner-occupied.
- D. Care shall be given to residents over the age of 62.
- E. Care shall be given in an existing single-family detached residential structure, providing family-style care in a residential environment.
- F. Care shall consist of supervised personal services for persons who have temporary or periodic difficulties with one or more essential activities of daily living.
- G. Any building modifications or alterations must be in accordance with all provisions of the Charles County Building Code.
- H. Any such use will not have a detrimental impact on the surrounding properties.

\* \* \* \* \*

**3.05.100 Rooming houses, boardinghouses rented by the month. [Amended 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Ord. No. 05-01; 4-23-2010 by Bill No. 2010-02]**

This use is permitted with conditions in the AC, RC, RR, RV, RO, CN, CC, CB, CV, CMR, CRR, WC and AUC Zones and is permitted by special exception in the **WCD**, RL, RM, RH, PRD, MX and TOD Zones, provided that the following are met:

- A. The boardinghouse is in an existing residential structure.
- B. The exterior appearance of the structure will remain as a single-family residential structure, and no external entrance that faces a road or street will be added. A maximum of three external entrances will be allowed for the facility.
- C. The proposed project shall comply with parking requirements as specified under Article XX of this chapter.
- D. The facility shall have one freestanding sign, not more than 25 square feet in area and five feet in height, permitted along the road frontage. The sign shall be for identification

1 purposes only.

2

3 E. There shall be a maximum of eight rooms in the facility to be rented on a monthly basis  
4 or longer.

5

6 **3.05.200 Bed-and-breakfast, tourist homes. [Amended 10-25-1999 by Ord. No. 99-92; 7-  
7 25- 2005 by Bill No. 2005-01; Amended 11-13-2009 by Ord. No. 2009-13; 4-23-2010 by  
8 Bill No. 2010-02]**

9

10 This use is permitted with conditions in the AC, RC, RR, RV, RO, CN, CC, CB, CV,  
11 MX,TOD, WC and AUC Zones and is permitted by special exception in the **WCD**, RL, RM,  
12 RH, PRD and CMR Zones, subject to the following:

13

14 A. The proposed use shall preserve the natural and historic features of the property.

15

16 B. The exterior appearance of the building will remain as a single-family residential  
17 structure, and no external entrance that faces a road or street will be added.

18

19 C. There will be a maximum of eight guests at any time. **[Amended 11-13-2009 by Ord.  
20 No. 2009-13]**

21

22 D. Bed-and-breakfast or tourist homes shall only be located in an existing dwelling unit and  
23 may include an existing accessory apartment. **[Amended 11-13-2009 by Ord. No. 2009-  
24 13]**

25

26 E. The facility shall have no more than one freestanding sign and not more than 25 square  
27 feet in area and five feet in height. The sign shall be permitted along the road frontage for  
28 identification purposes only.

29

30 F. The applicant shall comply with the parking requirements in Article XX.

31

32 G. The applicant shall comply with regulations set forth in COMAR 10.15.03 pertaining to  
33 food service facilities. **[Added 11-13-2009 by Ord. No. 2009-13]**

34

35 \* \* \* \* \*

36

37 **3.05.400 Country inn. [Added 10-31-1995 by Ord. No. 95-96]**

38

39 This use is permitted by special exception in the AC, RC, RR, RV, RL, RM, RH, RO, CN  
40 AND MX Zones and is permitted with conditions in the **WCD**, CC, CB and CV Zones subject  
41 to the following:

42

43 A. Individual rooms which are rented by paying occupants shall not contain cooking  
44 facilities.

45

46 B. The number of rooming units provided on the site shall be limited to the principal

- 1 structure and shall be further limited to 12, excluding the resident management quarters.  
2 The resident manager's living quarters may be in a separate dwelling in an accessory  
3 building on the property.  
4  
5 C. Unless owner-occupied, the manager must reside on the premises and have no other  
6 occupation or profession.  
7  
8 D. Parking shall be provided on-site and screened by natural vegetation from public streets  
9 and adjoining properties. The Board of Appeals may require additional screening in its  
10 discretion in such form as it deems appropriate considering the proximity of the site to  
11 adjoining properties or the public street. The applicant shall comply with the parking  
12 requirements in Article XVI.  
13  
14 E. Dining facilities are limited to a maximum seating capacity of 48 persons.  
15  
16 F. The maximum stay for any guests using the country inn accommodations shall be 14  
17 days, and a guest book shall be maintained by the owner which accurately identifies each  
18 guest for each night's lodging.  
19  
20 G. A country inn shall not be authorized on any lot of less than five acres. Not more than  
21 one country inn shall be permitted on a single lot.  
22  
23 H. A country inn may have a sign (on premises); the sign may be double-faced and indirectly  
24 illuminated and no larger than 12 square feet.  
25  
26 I. Principal uses and accessory uses shall be identified on the site plan submitted with the  
27 application.  
28  
29 J. Extension or enlargement of a structure housing the principal use shall not be permitted  
30 to exceed an increase of more than 50% of the gross floor area of said principal structure  
31 which existed at the time of the adoption of these regulations. The exterior design of any  
32 conversion, extension, enlargement or new construction shall be architecturally  
33 compatible with the original building.  
34  
35 K. Adequate vehicular access shall be provided between a country inn and road owned or  
36 maintained by the county or state.  
37  
38 L. The facility shall demonstrate compliance with applicable requirements for such facilities  
39 as provided by the Health Department or other state agencies.  
40  
41 **3.06.000 Shelters, permanent.**  
42  
43 This use is permitted by special exception in the **WCD, AC, RC, RR, RV, RL, RM, RH, RO**  
44 and **CN** Zones, subject to the following:  
45  
46 A. The shelter is operated by a public or nonprofit organization.

B. The maximum stay of an individual or a family shall not exceed one year.

C. When the shelter is located in a new structure, not an existing single-family dwelling, then the structure must meet the intensity and dimensional requirement set forth in the Schedule of Zone Regulations.

**3.07.000 Migrant workers' housing.**

This use is permitted with conditions in the **WCD**, AC and RC Zones, provided that an affidavit of compliance with COMAR 10.16.01, Migratory Labor Camps, as amended, has been submitted to the Zoning Officer.

\* \* \* \* \*

**4.01.110 Private elementary and secondary schools, including preschool, kindergarten, associated grounds, athletic and other facilities. [Amended 7-25-2005 by Ord. No. 05-01; Amended 3-24-07 by Ord. No. 2007-05]**

This use is permitted by special exception in the **WCD**, AC, RC, RR, RV, RL, RM, RH, RO, CN, CC, BP, CV, CER, CMR and CRR Zones, subject to the following:

A. Generally. A lot, tract or parcel of land may be allowed to be used for a private educational institution upon the following findings:

- 1) That, except for buildings and additions thereto completed or for which building permits have been obtained prior to the time of adoption of this chapter, such use will be located in buildings architecturally compatible with other buildings in the surrounding neighborhood, and, in the event that such building is to be located on a lot, tract or parcel of land of two acres or less, in either an undeveloped area or an area substantially developed with single-family homes, that the exterior architecture of such building will be of a residential home design that is at least comparable to existing residential homes, if any, in the immediate neighborhood.
- 2) The applicant must, as part of the application, submit architectural plans that satisfy the above standards, which will be a condition of a granted special exception.
- 3) That such use will not, in and of itself or in combination with other existing uses, adversely affect or change the present character or future development of the residential community in which it is located.

B. That such use can and will be developed in conformity with the following requirements:

- 1) Area, frontage, setback and building coverage: as shall be reflected in a site plan of development approved by the Board, provided that in no event shall such standards be less than the area and dimensional regulations for the zone in which the private

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[Brackets] indicate language deleted from existing law.

educational institution is proposed to be located.

2) Access and screening: as shall be specified in a site plan of development approved by the Board, provided that such plan meets or exceeds the standards for the zone.

3) Intensity.

a. Intensity is the allowable number of pupils per acre permitted to occupy the premises at any one time, which will be specified by the Board based on the following factors:

(1) Traffic patterns, including:

a. Impact of increased traffic on residential streets.

b. Existence of arterial highways; access shall be from a major collector or arterial highway at a minimum.

(2) Noise or type of physical activity.

(3) Character, percentage and density of existing development and zoning within the surrounding community.

(4) Topography of the land.

b. In no event shall a special exception be granted for a density in excess of 87 pupils per acre.

C. [Added 3-24-07 by Ord. No. 2007-05] In the BP zone, the use is also subject to the following:

1) The use is allowed in support of one or more existing office, manufacturing or institutional uses within the BP zone.

**4.01.130 Private colleges, universities and community colleges, including associated facilities such as dormitories, office buildings, athletic fields, etc.**

This use is permitted by special exception in the WCD, AC, RC, RR, RV, RL, RM, RH, RO, CN, CV and PRD Zones, based on the requirements contained in 4.01.110 above.

**4.01.310 Private libraries, museums, art centers and similar uses, including associated educational and instructional activities, located within a building designed and previously occupied as a residence or institutional use.**

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[Brackets] indicate language deleted from existing law.

This use is permitted by special exception in the **WCD**, AC, RC, RR, RV, RL, RM and RH Zones, subject to the following:

- A. This use is allowed upon a finding by the Board of Appeals that the proposed use will not adversely affect neighboring, vicinal or adjoining properties.
- B. That the proposed use is operated by a nonprofit organization not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of such organization or individual.
- C. This may consist of one or more buildings or structures which the Board shall find will be devoted entirely to the furtherance of the arts or culture, including but not limited to a theater, museum, classrooms or any combination thereof, and may provide for a restaurant or snack bar designed solely for service of food or refreshments to people using the facilities of the proposed center.
- D. The lot, parcel or tract of land upon which the proposed center is to be located shall have a minimum area of one acre.
- E. The requirements for institutional uses as to setbacks, area and lot coverage, landscaping, site plan approval and other requirements shall be met.

**4.01.320 Private libraries, museums, art centers and similar uses, including associated educational and instructional activities, located within any other structure.**

This use is permitted by special exception in the **WCD**, AC, RC, RR, RV, RL, RM, RH, RO and CN Zones, subject to the requirements in 4.01.310. This use is permitted with conditions in the BP Zone, provided that the use is oriented and accessed through an internal vehicle circulation system so that it is incorporated as part of the business park.

**4.01.400 Social, fraternal clubs and lodges, union halls, meeting halls and similar uses.**

Such uses are permitted by special exception in the **WCD**, AC, RC, RV and CN Zones, provided that:

- A. Any structure shall be located at a distance of not less than 100 feet from any lot line, except that not less than 50 feet at commercial or industrial zone lot lines shall be allowed. The front setback shall be at least 100 feet, except when bordering highways of eighty-foot rights-of-way or more, where the setback shall be 50 feet.
- B. The provision of food, refreshments and entertainment for club or organization members and their guests may be allowed in connection with such use.
- C. All outdoor lighting shall be located, shielded, landscaped or otherwise buffered so that no direct light shall intrude into any adjacent residential area.

\* \* \* \* \*

**4.02.240 Campgrounds and camps.**

This use is permitted by special exception in the **WCD**, AC and RC Zones, provided that the following standards are met:

- A. The minimum area shall be 10 acres.
- B. Dimensional standards shall have a frontage of not less than 150 feet abutting a public highway, street, road or other public right-of-way, except when the Board waives the requirement for minimum frontage if it finds that the facilities for ingress and egress of vehicular traffic are adequate to meet the requirements of Article XVI, Adequate Public Facilities Requirements.
- C. No campsite shall be located within 50 feet of any boundary or property line of such lot, parcel or tract of land or within a distance of 125 feet from the center line of any public highway, street, road or other public right-of-way.
- D. The density of campsites in a campground shall not exceed an average of 15 campsites per acre of the developed portion of the campground, inclusive of service roads, toilet facilities and service buildings. Each campsite, excluding parking space, shall be a minimum of 900 square feet in area. Parking space for one automobile per campsite that will not interfere with the convenient and safe movement of traffic shall be provided or equivalent parking shall be provided in a central area.

\* \* \* \* \*

**4.02.280 Golf driving ranges not accessory to golf courses, par three golf courses, miniature golf courses, skateboard parks, water slides, batting cages and similar uses.**

These uses are permitted by special exception in the **WCD**, AC, RC and RR Zones, subject to the following standards:

- A. The minimum area shall be one acre.
- B. Site plan with adequate screening and buffering shall be provided from any adjacent residential property. Such screening shall address noise, light and safety considerations.
- C. The Board of Appeals will establish hours of operation.

\* \* \* \* \*

**4.02.290 Outdoor rifle and pistol ranges, war games, archery ranges or other recreational activities using weapons.**

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NOTE: CAPITALS indicate language added to existing law.  
[Brackets] indicate language deleted from existing law.

These uses are permitted by special exception in the **WCD**, AC, RC, CN, CC, CV, BP, PRD and PEP Zones, subject to the following standards:

- A. Adjacent areas shall be predominantly undeveloped or occupied by low-intensity land uses such as agriculture, etc.
- B. Facilities shall be constructed in such a manner as to eliminate all danger to people and property from flying projectiles.
- C. War games will be permitted for a period of one year only, subject to renewal.

\* \* \* \* \*

**4.05.110 Local post offices. [Amended 12-7-1993 by Ord. No. 94-4]**

A. This use is permitted by special exception in the **WCD**, AC, RC and RV Zones, subject to the following standards:

- (1) Any structure shall be compatible with the surrounding neighborhood.
- (2) A traffic and road condition study shall be filed by the applicant with the completed application which analyses the adequacy of the road network serving the site and the impact of new traffic trips generated by the requested use.
- (3) Evidence shall accompany the application for the special exception that indicates the United States Postal Service intends to operate a post office on the property.

B. In addition to the above, in the RV Zone the following standards apply:

- (1) Parking shall be in the rear or side yard.
- (2) Bufferyards will be required by the Board of Appeals to adequately separate this use from adjacent uses or properties in order to eliminate or minimize negative impacts from dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas or to provide spacing to reduce impact of noise, odor or danger from fire or explosion.

\* \* \* \* \*

**4.07.100 Earth stations. [Amended 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Ord. No. 05-01]**

This use is permitted with conditions in the IG, IH and PEP Zones and is permitted by special exception in the **WCD**, AC, RC, RR, RV, RL, RM, RH, RO, CN, CC, CB, CV, BP, PRD, MX, PMH, TOD, CER, CMR and CRR Zones, provided that:



1  
2 A. This use and/or all associated facilities shall be located in the rear yard.

3  
4 B. This use and/or all associated facilities are sufficiently screened to avoid visual impacts  
5 from public rights-of-way or adjoining properties.

6  
7 **4.07.200 Satellite dishes. [Amended 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Bill No.**  
8 **05- 01; 4-23-2010 by Bill No. 2010-02]**

9 This use is permitted with conditions in the **WCD**, AC, RC, RR, RV, RL, RM, RH, RO, CV,  
10 PRD, MX, PMH, TOD, CER, CMR, CRR, WC and AUC Zones, provided that the following  
11 are met:

12  
13 A. The conditions set forth in Subsections B through F below do not apply to residential lots  
14 greater than three acres in the RR, RC and AC Zones.

15  
16 B. On any lot, only one satellite dish antenna may be permitted, provided that it is located  
17 in a rear or side yard at least two feet from any rear or side lot line.

18  
19 C. The location of a satellite dish antenna shall be dependent on the reception of usable  
20 satellite signal. Where usable signals can be obtained, the antenna shall be ground-  
21 mounted and located in the rear yard. If usable signals cannot be obtained from such rear  
22 yard location, the antenna shall be ground-mounted and located in either side yard. If  
23 usable signals cannot be obtained from such side yard location, the antenna may be  
24 mounted on a pole or any other structure. In no event shall a satellite dish antenna be  
25 located in the front yard. On through lots and on corner lots where the designated front  
26 of the main building faces a side street, the rear, side and front yards, as used herein, shall  
27 mean the yards at the rear, side and front of the building.

28  
29 D. Usable satellite signals shall be those signals from the major communication satellites  
30 which, when viewed on a conventional television set, are at least equal in picture quality  
31 to that received from local commercial television stations or by way of cable television.

32  
33 E. Screening shall be provided along the rear and sides of any ground-mounted satellite dish  
34 antenna, when such antenna is visible from the street or surrounding property as viewed  
35 from ground level.

36  
37 F. Satellite dish antennas may be located within any required open space area or in any  
38 required landscaped area, except along a street.

39  
40 \* \* \* \* \*

41  
42 **4.8.110 Family burial sites.**

43  
44 This use is permitted with conditions in the **WCD**, AC, RC, RR, RV, RL, RM, RO, CN, CC,  
45 CB, CV, BP, PRD, PEP and MX Zones, provided that:

- A. The minimum area shall be two acres.
- B. A family burial site is limited to members of the family of the owner of the property.
- C. In the event that the property is in an area not served by public water and sewer, water table tests shall be conducted to assure that there is adequate filtration of drainage between burial depth and the level of high water table.
- D. Such use is only as an accessory use on a residentially developed property.
- E. The site shall be set back at least 100 feet from any adjoining residential property and at least 50 feet from an existing street or from a proposed street.
- F. The use of any property for a private cemetery or family burial site must be recorded in the county land records.

#### **4.08.120 Cemeteries.**

Cemeteries are permitted by special exception in the **WCD**, AC, RC, RR, RV, RL, RM, RH and PRD Zones, subject to the following:

- A. A buffer of 25 feet shall be required between any burial plots and all lot lines.
- B. The proposed location must be compatible with adjacent land uses, existing or proposed highways and any other elements or factors deemed to affect the public health, safety and welfare of the inhabitants of such zone.

#### **4.08.200 Crematoriums. [Amended 7-25-2005 by Ord. No. 05-01]**

Crematoriums are permitted with conditions in the **WCD**, RO, CN, CC, CV, BP, PEP and MX Zones and are permitted by special exception in the AC, RC, RR, RV, RL, RM, RH, PRD and CER Zones, subject to the following:

- A. Bufferyards shall be required by the Board of Appeals to adequately separate this use from adjacent uses or properties in order to eliminate or minimize negative impacts from dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas or to provide spacing to reduce impacts of noise, odor or danger from fires or explosions.
- B. This use is only permitted when in conjunction with a funeral home or cemetery.
- C. Any crematorium shall be located at least 200 feet from any residential lot line.

\* \* \* \* \*

#### **5.02.300 Funeral homes. [Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100; 10-25-1999 by Ord. No. 99-92; 7-25 -2005 by Bill No. 05-01; 4-23-2010 by**

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NOTE: CAPITALS indicate language added to existing law.  
[Brackets] indicate language deleted from existing law.

**Bill No. 2010-02.**

This use is permitted with conditions in the RO, CN, CC, CB, CV, BP, PEP, MX, TOD, CER, WC and AUC Zones and is permitted by special exception in the **WCD**, AC, RC, RR and RV Zones, subject to the following:

- A. The use will not adversely affect vicinal or neighboring properties and will not cause a negative impact on adjacent neighborhoods because of noise, traffic or type of physical activity. In any residential zone, the premises shall, and, in any commercial zone, may, maintain, either as a separate building or a portion of the main building, one dwelling unit, which may only be occupied by the owner or an employee of the establishment.
- B. Ingress and egress shall be located so as to minimize traffic conflict on the receiving street during a funeral procession. The design should not permit or encourage the stacking of cars on a public road or street.
- C. Minimum lot size in the AC, RC and RR Zones shall be 35 acres and shall be part of a cemetery.
- D. When a special exception is required, the funeral home shall be architecturally compatible with the neighborhood.

**5.02.400 Veterinarians and veterinary hospitals. [Amended 12-11-2000 by Ord. No. 00-93; 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Ord. No. 05-01; 4-23-2010 by Bill No. 2010-02]**

This use is permitted with conditions in the CN, CC, CV, BP, PEP, MX, TOD, CER, WC, and AUC Zones and is permitted by special exception in the **WCD**, RR, [RC(D),] RV and RL Zones, subject to the following standards:

- A. The minimum area of the lot shall be one-half (½) acre.
- B. It must be housed in a fully enclosed, soundproof building.
- C. Except in the WC and AUC Zones, it shall be located a minimum of 75 feet from any road or street and no less than 125 feet from the nearest dwelling.
- D. It must conform to standards of the County Animal Regulations (See Chapter 230) and applicable state and local laws.

**5.02.500 Nursery schools and day-care centers with more than 30 children. [Amended 7-25- 2005 by Ord. No. 05-01]**

This use is permitted by special exception in the **WCD**, AC, RC, RR, RV, RL, RM, RH, IG, PRD, PMH and CMR Zones, subject to the following standards:

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- A. The facility shall be in accordance with all applicable county, state and federal rules and regulations.
- B. An applicant must submit an affidavit of compliance, on the form provided by the Zoning Officer, to the effect that all of the requirements of the state's licensing procedure will be satisfied.
- C. Building and play area facilities shall be at least 100 feet from any residential zone or use:
- D. The proposed site will have road access adequate for the traffic expected to be generated by the proposed development.
- E. Any such use shall not have a detrimental impact on the surrounding properties.
- F. The hours of operation may be established by the Board of Appeals.
- G. New facilities constructed for this purpose shall be architecturally compatible with the surrounding neighborhood.
- H. Adequate areas shall be provided for classrooms and play areas.

\* \* \* \* \*

**6.01.113 Antique shops and art galleries with building floor space less than 15,000 square feet per parcel.**

This use is permitted by special exception in the **WCD**, AC, RC and RV Zones, subject to the following:

- A. That the use is in an existing building or part of an existing building.
- B. That the original character of the building be maintained.
- C. That signs shall be limited to identification signs.

\* \* \* \* \*

**7.01.250 Winery.**

This use is permitted with conditions in the **WCD**, AC or RC Zones only as part of a commercial vineyard. In addition, the applicant must demonstrate compliance with all manufacturing and processing performance standards that relate to noise and smoke provided in Article II.

\* \* \* \* \*

**7.02.410 Parking of one motor vehicle greater than 15,000 pounds gross vehicle weight.**  
**[Added 2-22-2000 by Ord. No. 00-10]**

This use is permitted with conditions in the **Watershed Conservation District WCD**, AC Agricultural Conservation Zone, RC Rural Conservation Zone, and RR- Rural Residential Zone, and permitted by special exception in the RV Zone subject to the following:

- A. Minimum area: three acres or any parcel considered a legal lot of record in existence prior to October 1, 1992.
- B. One motor vehicle greater than 15,000 pounds manufactured rated gross vehicle weight permitted for operation on public roads is allowed as accessory to a principal residential use.
- C. The vehicle shall be parked behind the principal dwelling on a gravel or hard surface area.
- D. No major mechanical repairs or maintenance of the vehicle may be performed on the subject property.
- E. The vehicle is to be parked or left standing a minimum of 100 feet from any property line.
- F. A buffer yard E, including a buffer yard structure, will be required prior to the vehicle being parked on the premises.
- G. Access shall be directly from a county- or state-maintained road. No trucks may be allowed to be parked on any lot where the access is located on privately owned road and/or shared access driveways.
- H. Trucks shall not constitute a nuisance due to excessive noise. Trucks without mufflers or trucks that do not meet manufactured recommended exhaust system are presumed to be a nuisance and not in compliance with this subsection. Trucks with refrigeration units will not be permitted unless it can be demonstrated that the noise standards for industrial uses set forth in § 297-32 are met.
- I. Trucks shall not contain junk, solid waste, hazardous substances or noxious materials, including petroleum products.
- J. One or more trucks may be parked on a parcel in the AC, RC and RR Zones if the property was being used for the parking of trucks on or before May 3, 1999, provided that all the requirements in Subsections A and C through J above are met. Proof of such use must be submitted to the Zoning Officer on or before June 30, 2000, and acknowledged by the Zoning Officer. This provision does not negate the need of a special exception in the RV Zone.

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[Brackets] indicate language deleted from existing law.

**7.02.420 Parking of more than one motor vehicle greater than 15,000 pounds gross vehicle weight. [Added 2-22-2000 by Ord. No. 00-10]**

This use is permitted by special exception as an accessory to a principal residential use in the **Watershed Conservation District WCD**, RR Rural Residential, AC Agricultural Conservation, RV Village Residential and RC Rural Conservation Zones subject to Subsections A and C through I for Use 7.02.410, Parking of one motor vehicle greater than 15,000 pounds gross vehicle weight.

\* \* \* \* \*

**7.04.100 Research facilities and laboratories without processing of materials.**

This use is permitted by special exception in the **WCD**, AC, RC and CC Zones, subject to the following:

- A. The minimum area shall be 25 acres.
- B. Structures erected or to be used shall not be less than 100 feet from any external property line.
- C. Such use shall be confined to a structure(s).
- D. Off-street parking shall not be less than 100 feet from any external property line.
- E. Goods or products are manufactured or processed only to the extent necessary for testing, evaluation and test marketing to reach a commercialization decision and permit transfer to full-scale manufacturing facilities.
- F. If located in a CC Zone, the special exception use is limited to the manufacture or processing of goods or products only to the extent necessary for testing, evaluation and test marketing to reach a commercialization decision and permit transfer to full-scale manufacturing facilities.

\* \* \* \* \*

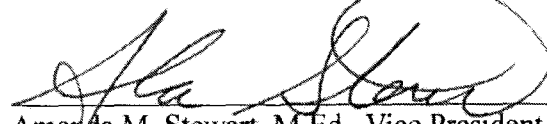
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2 **SECTION 2.** BE IT FURTHER ENACTED, that this act shall take effect forty-five (45)  
3 Calendar days after it becomes law.


4  
5 ADOPTED this 6<sup>th</sup> day of June, 2017.

6  
7 COUNTY COMMISSIONERS

8 CHARLES COUNTY, MARYLAND

9  
10   
11 Peter F. Murphy, President

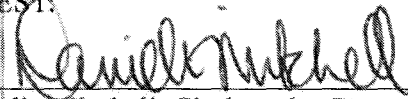
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14 Amanda M. Stewart, M.Ed., Vice President

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17 Ken Robinson, Vice President

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23 -DECLINED TO SIGN-  
24 Debra M. Davis, Esq.

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28 -DECLINED TO SIGN-  
29 Bobby Rucci

30  
31 ATTEST:

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33  
34 Danielle Mitchell, Clerk to the Commissioners  
35